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# State of Utah

## DEPARTMENT OF COMMERCE Committee of Consumer Services

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The Utah Committee of Consumer Services (“Committee”) would like to respond to recent articles in the *Salt Lake Tribune* and *Deseret News* by Roger Ball who, until this dismissal last March, was director of the Committee’s staff. His articles are critical of (1) the Committee’s settlement of a long-standing legal dispute with Questar Gas regarding recovery of its CO<sub>2</sub> processing costs, and (2) its present opposition to his very tardy effort to intervene in the proceedings.

Implicit in Mr. Ball’s articles is a premise that settlements inherently produce unfavorable outcomes for Utah ratepayers. However, confidential settlement negotiations have occurred in the complex world of utility regulation for years. They occur because parties believe a settlement achieves better results for their clients than pursuing adversarial litigation. Confidential negotiations took place regularly during Mr. Ball’s tenure and the vast majority of major cases were either partially or fully resolved through settlements.

Mr. Ball also incorrectly states in his December 10, 2005 *Tribune* article that “[u]ntil I was summarily fired on March 9 the Committee was still opposed to a rate increase for gas processing.” Committee staff, counsel and the Committee Chairman certainly did not see the world that way. They had been urging him for months to hire outside technical experts to advise the Committee on what its *informed* position *should* be going forward. One of the first acts of Ms. Leslie Reberg, Mr. Ball’s successor as Director, was to secure technical expertise to analyze the utility’s application and assist the Committee in determining what its response should be in light of the testimony and evidence presented in the utility’s renewed application for cost recovery.

This gets us to the impetus for Mr. Ball’s media blitz. He wants special treatment under the law. He believes he should be an exception to the rules that make an orderly and fair legal process possible. A party may intervene in a case so long as their intervention is timely and will not frustrate or undermine the fair and orderly legal process. Mr. Ball is well aware of the rules – and he was well aware of the proceedings long before they resulted in a settlement. In fact, recorded minutes from the Committee’s February 2005 meeting – a meeting that occurred while he was still director of Committee staff – show Committee members unanimously voting to “continue” negotiations with Questar Gas. Mr. Ball could have timely petitioned the Utah Commission to intervene in the CO<sub>2</sub> processing cost proceeding after his dismissal. Now, after a long and difficult settlement negotiation, he wants in so the process can be repeated again for his personal benefit and validation as self-appointed spokesman for the people.

Mr. Ball's articles are filled with more fiction than fact. He claims to speak for Utah residential utility ratepayers, but espouses what amounts to a personal agenda. He wants to upset the applecart now after the parties in the proceedings have achieved a fair and reasonable settlement. The settlement preserves the entire \$29 million victory the Committee (not Mr. Ball) secured for utility customers at the Supreme Court and saves ratepayers millions of additional dollars in gas processing costs that the utility sought to recover in its application. It is time for Mr. Ball to stop criticizing the Committee for negotiating a reasonable settlement that, if accepted by the Commission, would finally conclude a long and thoroughly examined matter.

Dee Jay Hammon, Committee Chair  
Committee of Consumer Services

The Committee has the statutory responsibility to represent the majority of Utah residential and small commercial utility customers. It is comprised of six members who serve without pay and who have all been appointed by the Governor from different political, economical, and geographical interests of this state so that decisions and policies might more accurately reflect the views and concerns of its constituents.